IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 167 of 1998

with

CIVIL REVISION APPLICATION Nos. 168 and 169 of 1998

For Approval and Signature:

HON'BLE MR.JUSTICE P.B.MAJMUDAR

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1. Whether Reporters of Local Papers may be allowed to see the judgment? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

BHIKHUMIYA GURUMIYA

Versus

USMANKHAN MISRIKHAN PATHAN

Appearance:

MR MC BHATT for the Petitioner.

MR NS DESAI for the Respondent.

CORAM : HON'BLE MR.JUSTICE P.B.MAJMUDAR

Date of decision: 31/03/2004

ORAL JUDGEMENT

By filing these revision applications, the petitioner, who is the original defendant in Civil Suit No.193 of 1993, has challenged the interlocutory order passed by the trial court. It is not in dispute that all these revision applications are filed against an interlocutory order in a pending suit. In view of the amendment in Section 115 of the Code of Civil Procedure, these revisions are not maintainable against an interlocutory order in a pending suit. Mr.Bhatt, learned Advocate for the petitioner in each of these Civil Revision Applications, wants permission to withdraw these revision applications, in order to file petitions under Article 227 of the Constitution of India. Permission is granted. This CRA accordingly stands disposed of as withdrawn. Rule is discharged. No costs.

Liberty is given to the petitioners to challenge the impugned order, which is pressed into service in each of the revision applications, by filing petitions under Article 227 of the Constitution of India. For that purpose, interim relief granted earlier by this Court is extended upto 5th May, 2004.

31st March, 2004 (P.B. Majmudar, J.)

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(apj)